
THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

**BARCLAY BUTERA DEVELOPMENT,
INC.; and BARCLAY BUTERA,**

Plaintiffs,

v.

**THE ANNEX, LLC, d/b/a HELM HOME;
and MARIO FERREIRA,**

Defendants.

SCHEDULING ORDER

Case No. 2:23-cv-00633-HCN-JCB

District Judge Howard C. Nielson, Jr.

Magistrate Judge Jared C. Bennett

Before the court is a Stipulated Motion for Scheduling Order and Attorney Planning Meeting Report filed by counsel.¹ Based upon the parties' stipulation the court GRANTS the Motion. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the court and on a showing of good cause pursuant to Fed. R. Civ. P. 6.

****ALL TIMES 4:30 PM UNLESS INDICATED****

- | 1. | PRELIMINARY MATTERS | DATE |
|-----------|--|-------------------|
| | Nature of claims and any affirmative defenses: | |
| a. | Date the Rule 26(f)(1) conference was held: | <u>12/13/2023</u> |
| b. | Date the parties submitted the Attorney Planning Meeting Report: | <u>12/18/2023</u> |
| c. | Deadline for 26(a)(1) initial disclosures: | <u>02/12/2024</u> |
| 2. | DISCOVERY LIMITATIONS | NUMBER |
| a. | Maximum number of depositions by Plaintiff(s): | <u>8</u> |

¹ ECF No. 55.

- b. Maximum number of depositions by Defendant(s): 12 each
- c. Maximum number of hours for each deposition
(unless extended by agreement of parties): 7
- d. Maximum interrogatories by any party to any party: 25
- e. Maximum requests for admissions by any party to any party: 25
- f. Maximum requests for production by any party to any party: 35
- g. The parties shall handle discovery of electronically stored information as follows:

The parties shall produce electronically stored information (ESI) in PDF files. Parties may request production of ESI in native format upon showing a particularized need for the same that is not outweighed by the time, burden, and/or expense of producing documents in native format, with a presumption that the particularized need outweighs the time, burden and/or expense of producing documents in native format unless proven otherwise. The parties will make every effort to preserve the ESI in its native format.
- h. The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as follows: **The parties believe that the Standard Protective Order for cases filed before December 1, 2023 will suffice for this lawsuit.**
- i. Last day to serve written discovery: 11/13/2024
- j. Close of fact discovery: 01/20/2025
- k. *(optional)* Final date for supplementation of disclosures and discovery under Rule 26(e): 11/13/2024

3. AMENDMENT OF PLEADINGS/ADDING PARTIES²

DATE

- a. Last day to file Motion to Amend Pleadings: Plaintiff:
11/13/2024

Defendant:
01/20/2025

² Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

b. Last day to file Motion to Add Parties: Plaintiff:
11/13/2024

Defendant:
01/20/2025

4. RULE 26(a)(2) EXPERT DISCLOSURES & REPORTS **DATE**

Disclosures (subject and identity of experts)

a. Party(ies) bearing burden of proof: 02/13/2025

b. Counter disclosures: 03/13/2025

Reports

a. Party(ies) bearing burden of proof: 03/13/2025

b. Counter reports: 04/14/2025

5. OTHER DEADLINES **DATE**

a. Last day for expert discovery: 05/13/2025

b. Deadline for filing dispositive or potentially dispositive motions: 07/14/2025

c. Deadline for filing partial or complete motions to exclude expert testimony: 06/13/2025

d. Deadline for filing a request for a scheduling conference with the district judge for the purpose of setting a trial date if no dispositive motions are filed: 06/20/2025

6. SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION **DATE**

a. Likely to request referral to a magistrate judge for settlement conference: Yes

b. Likely to request referral to court-annexed arbitration: No

c. Likely to request referral to court-annexed mediation: No

d. The parties will complete private mediation/arbitration by: N/A

- e. Evaluate case for settlement/ADR on: 10/25/2024
and
3/13/2025
- f. Settlement probability: Fair

7. TRIAL AND PREPARATION FOR TRIAL

If dispositive motions are filed and the district judge's ruling on those motions does not resolve the case, the parties shall file a request for a scheduling conference with the district judge for the purpose of setting a trial date no later than one week after the ruling on the dispositive motions.

8. OTHER MATTERS

Parties should fully brief all Motions in Limine well in advance of the pretrial conference.

Signed January 2, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Jared C. Bennett", written over a horizontal line.

JARED C. BENNETT
United States Magistrate Judge